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COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Item 10 of the provisional agenda

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement* submitted by Pax Christi International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 January 2002]

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*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE. *200201075 3*

ENG

DR Congo/Great Lakes Region

The ceasefire and the deployment of the UN observer mission (MONUC) have lead to a substantial decline of tension along the frontiers of the "First World War in Africa" in the DR Congo. However, hardly any improvements since the 57th commission can be reported on the human rights' situation in the region of the Great Lakes in Africa (DR Congo, Burundi, Rwanda, Uganda). This is particularly true for the occupied and non-occupied territories of the DR Congo, which continues to be the "hot-spot" of Central African conflicts.

The war has lead to an estimated number of deaths of 2.5 million between August 1999 and April 2001 (according to the International Rescue Committee) and more than two million internally displaced persons. About one third of the total population of 50 Million of the country is directly affected by the war. Fortunately, all parties involved in the conflict have accepted the demands of the Lusaka Peace Treaties (7/1999) as the key to resolving the conflict. The deployment of UN observers and *blue helmets*, even though comparatively marginal in number, has ushered in hopes: for the demilitarisation of the militias in the East, of the "negative forces" of Rwandan and Burundian origin allied to the Congolese Army (FAC) and of child soldiers all over the territory.

The power vacuum following the withdrawal of the Ugandan army presence from certain parts of the North Kivu region, the Equator region and the oriental province recently demonstrated how essential a meaningful intra-Congolese dialogue, according to the Lusaka peace treaties, is to achieve a lasting peace. All over the Kivu region, occupied by Rwandan and Ugandan forces, the security situation has been continuously deteriorating. At the same time, the complete failure of the intra-Congolese dialogue in Addis Ababa in October 2001 has for the time being destroyed any hopes for quick conflict resolution. The official facilitator, Sir Ketumile Masire, cannot be made solely responsible for the failure. The government of the DR Congo can under no circumstances whatsoever let a meaningful intra-Congolese dialogue fail once again. Achieving an atmosphere of openness and constructive dialogue between the government, the armed and non-armed opposition groups, the churches and the civil society is a pre-requisite of peace and development, following the letter and spirit of the peace treaties of Lusaka.

Pax Christi deplores the lack of implementation of several announcements concerning human rights issues by President Joseph Kabila in early 2001. The military courts, for example, still deal with civilian cases, even though this practise should have been stopped, following the announcement of the State President. Even though the political atmosphere has been slightly liberalised, civil society agents and human rights defenders are continuously under threat of harassment by the security forces and of arbitrary arrests in any part of the country. Members of a Pax Christi group in Kisangani (RCD –GOMA controlled territory) experienced similar harassment in early 2002, when they were confronted by the security forces who made the absurd accusation that the group intended to take over power in the city.

Pax Christi International calls on the UN Commission to adopt a resolution appealing to president Joseph Kabila, to the government of the DRC, and to the governing Congolese bodies in the occupied territories:
- to commit themselves unconditionally to an intra-Congolese dialogue and engage in a process that leads to the formation of a transitional government for the complete territory of the sovereign state of the DRC
- to initiate concrete measures to stop the prevailing harassment and all kinds of atrocities committed by regular armed forces and secret services against human rights NGOs, journalists, political parties and the churches
- to initiate concrete measures to close the many unregistered jails and stop detentions without trial, arbitrary arrests, torture, incommunicado disappearances and arbitrary executions in occupied and non-occupied territories
- to introduce concrete measures to stop the prevailing impunity of members of security organs
- to cooperate with the UN-investigation on alleged massacres of refugees and Internally Displaced Persons, particularly during the military campaigns in 1996/97
- to accept the nomination of a new Special Rapporteur on the situation of human rights in the DRC

Pax Christi International calls on the UN Commission to adopt a resolution calling upon the international community, specifically the UN:
- to continue and enlarge the activities of Human Rights Field Offices in all parts of the DRC
- to continue and enlarge the UN-mission in the DR Congo (phase 3), particularly for the purpose of supporting the

demilitarisation of militias, "negative forces" and child soldiers
- to strengthen the support of, and cooperation with, Human Rights NGOs in the DRC
- to bring to court the people responsible for serious violations of International Humanitarian Law in the DRC.

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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Joint written statement* submitted by Franciscans International, a non-governmental organization in general consultative status, Pax Christi International, a non-governmental organization in special consultative status, and FIAN - Foodfirst Information and Action Network, a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 January 2002]

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GE. *0020107 56*

ENG

Brazil

THE TERROR THAT COMES FROM THE LAND

The worst attitudes that a country can take, in relation to its tragedies, are that of indifference and connivance. The indifference and connivance with which the Brazilian government is treating the persistent and growing series of rural assassinations, particularly in the south and southeast of the Brazilian state of Pará, is astonishing. In 2001, eight rural workers have already been murdered in the region by private militiamen who work for the large ranchers. Because the situation is so alarming, a delegation of representatives of the Commission of Human Rights of the Brazilian Congress, the Council of Defence of the Rights of the Human Person (Ministry of Justice), and the Federal Attorney's Office for Citizen's Rights, visited the region on the 4th and 5th of October 2001. They attended public hearings and attempted to collect more detailed information on the situation. On the 5th October, while the commission was still in the region, two more rural workers were assassinated. It was as if the landowners were affirming: "We're the ones who give orders around here".

Between 1971 and 2001 there have been 706 murders in Para, with 534 of these murders having been in the south and southeast parts of the state. From 1995 to 2001, 90 rural workers were murdered in the same region. The background of all these cases is land conflict. The people murdered or under threat are struggling to retain their economic, social and cultural rights, especially the right to adequate food, which includes access to productive resources.

Additionally, a list of 27 rural leaders known to be marked for murder has already been delivered on two occassions, to Sette Câmara, the Secretary of Public Safety. He so far did not take any precautions. Eldorado das Carajás massacre is one particular case which shows with clarity the level of impunity that has been achieved. It was said that 19 rural workers were killed on the order of governor Almir Gabriel's. The person responsible for the execution of the order was, according to our information, Colonel Pantoja, commander of the State Police. In the judgement, reached in 2000, the governor was not even indicted and the military commanders were all acquitted. This fact demonstrates that the police and the gunmen "dress in the same uniform".

The assassinations are not the only form of violence in the area. The private militias, with the connivance of the Civil Police, spread terror by carrying out violent land evictions, kidnappings, beating, and torture. One incident that proves the co-agency of the police and the hired gunmen is the event on September 21, when employees of the ranch 'Reunidas' were stopped while transporting an arsenal of heavy calibre weapons. They admitted that the weapons belonged to the ranch. In the police station, one of those held in custody presented a personalized card of the Chief of the State Police and said "this is the man that will help us". They were released the same day.

The violence in the area also takes the form of slave labour, which has become worse last year. From January 1 to September 23, 2001, 968 rural workers were counted as being in conditions of slave labour on 16 ranches in the south and southeastern parts of Pará. In 2000, 369 victims of slave labour were registered. It is worth emphasizing that the Brazilian Department of Labour estimates that for each worker freed from slave labour conditions, there exist three more in slavery.

The government, however, hasn't responded to the situation. Neither has Brazilian society in general responded to and in fact has shown itself to be insensitive to the situation. In this sense, the

words of the National Conference of Brazilian Bishops (CNBB), the National Council of Christian Churches (CONIC), and the Brazilian Lawyers Organization (OAB), were prophetic when they withdrew from negotiations that were held last year between the Federal Government and the Movement of Landless Rural Workers (MST), sounding the alarm to president Fernando Henrique Cardoso and his ministers: "Intolerance can influence behaviour as well as public opinion in a manner that favours violence and repression". Thus, crime pays, impunity is guaranteed, and landowners, as well as the gunmen and policemen who work for them, can celebrate their crimes in peace.

The situation is worsened by the federal government's position as seen in the following example: The Federal Minister of Agrarian Development, Raul Jungmann, attempts to nullify the situation of violence against the rural workers by affirming that crimes are not motivated by land disputes, but from "personal conflicts". This opens the door of impunity for the executioners. This type of attitude does not fit in a society that is intended to be democratic. This loss of values echoes through the whole of society and makes the population believe -with good reason- that justice does not exist, and that the State is a useless institution.

We recommend that the UN Human Rights Commission take adequate measures to address the situation.

National Coordination of the Pastoral Land Commission

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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement* submitted by Human Rights Advocates International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Healthy Environment

1. A healthy environment is crucial to the enjoyment of the right to life. Many developing countries lack the resources and technology necessary to address the environmental hazards posed by the disposal of toxics. Those hazards are further exacerbated by the illicit transfer of toxics from developed countries to the developing world. These transfers violate human rights, particularly the right to life. This is a serious problem, since globally poisonings from pesticides containing highly toxic substances are the cause of 40,000 deaths each year.1

2. The 57th session of the Commission on Human Rights recognizes the environmental and human rights implications stemming from the illicit transfer of toxics.2 Recommendations addressing the problem are included in this statement.

Pesticides and Herbicides

3. Many contend that domestic law in the United States does too little to control hazardous pesticide exports to the developing world.3 Often times, products considered too harmful for use within the U.S. are exported to developing countries with less capacity to address the human health and environmental hazards associated with the use of toxics.4 In fact, roughly 65 million pounds (29.5 million Kilograms) of pesticides exported from the U.S. in 1997-2000 were either forbidden or severely restricted for use in the United States.5

4. In March 1998, 95 governments finalized the text of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PIC Treaty).6 Although the U.S. has yet to ratify the PIC Treaty, in the year 2000, U.S. exports of pesticides subject to the PIC treaty decreased 97% from the 1997 total of nearly 3 million pounds (1.36 million kilograms).7 International efforts to reduce the trade of hazardous pesticides have begun to make progress, however the focus of international efforts should be expanded.

Aerial Spraying of Illicit Pesticides and Herbicides

5. "Plan Colombia" has sought to eliminate cocaine production in Colombia by aerially spraying a highly concentrated chemical toxin sold mainly by U.S. firms, an herbicide

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1 Smith, Carl "Pesticide Exports from U.S. Ports, 1997-2000", *International Journal of Occupational and Environmental Health,* Vol. 7/No. 4, October-December 2001(hereinafter Pesticide Exports)
2 Commission on Human Rights, Adverse Effect of the Illicit Movement and Dumping of Toxic and Dangerous Products and Wastes on the Enjoyment of Human Rights, Resolution 2001/35 [hereinafter Resolution].
3 Pesticide Exports
4 Id.
5 Id.
6 http://www.chem.unep.ch/pic/incs/dipcon/convsumm.htm
7 Smith, Carl Pesticide Exports from U.S. Ports, 1997-2000 *International Journal of Occupational and Environmental Health,* Vol 7/ No 4, October-December 2001

known as "Roundup Ultra."8 Since the aerial fumigations began, there have been thousands of reports of serious health problems including gastrointestinal disorders (e.g. severe bleeding, nausea, and vomiting), testicular inflammation, high fevers, dizziness, respiratory ailments, skin rashes, and severe eye irritation.9 The spraying may also have caused birth defects and miscarriages. Moreover, villagers report destruction of food crops and livestock, contamination of surface water, damage to surrounding wilderness areas.

6. There is a need for the Commission, particularly the Special Rapporteur on Toxics, to intensify investigations into human rights abuses associated with the illicit export of banned or restricted pesticides and herbicides to developing countries. That includes the exportation of those substances as part of the military or other foreign policy initiatives established by developed countries.

Persistent Organic Pollutants (POPs)

7. With the rise in global trade, these substances now appear in regions where they have never been used of produced. The serious human health threats of POPs led over 100 governments to adopt the Stockholm Convention of 2001, 10 a treaty calling for the reduction and elimination in the releases of these chemicals.11 Twelve chemicals were initially identified – including eight pesticides, two industrial chemicals, such as PCBs, and two by-products of combustion and industrial processes (dioxins and furans).12 It is imperative that governments now ratify the treaty and implement its restrictions, particularly given that children are one of the most vulnerable groups to the impacts of these chemicals. As their organs are developing, exposure to POPs can impact their ability to grow and develop fully, leaving them impaired as adults. As children grow into adults, they continue to carry these persistent organic pollutants. Many people now carry enough POPs in their body fat to cause serious health problems, including reproductive and developmental damage, cancer and immune system disruption.13

8. Recognizing these risks, over 100 countries adopted the Stockholm Convention of 2001 (POPS Treaty). While this is heartening news, even assuming the POPS treaty rapidly comes into force, accurate information will be critical for the proper implementation of the treaty. Moreover, there will still be the need for investigation of human rights abuses associated with the continued transfer of banned chemicals.

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8 Hugh O'Shaughnessy, *Colombia: Chemical Spraying of Coca Poisoning Villages*, THE OBSERVER, June 17, 2001.

9 See, EarthJustice, Written Statement presented to the UN Special Rapporteur on Toxics, December 14, 2001, citing Report of physician's investigation of health impacts of Plan Colombia spraying on Ecuadorian communities near the Colombian border, filed in Venacio Aguasanta Aria, et al. v. Dyncorp, et al. (US District Court for the District of Colombia, Sept. 2001).

10 http://www.chem.unep.ch/pops/ (Official UN POPs Webcite).

11 http://www.earthsummit2002.org/roadmap/pops.htm

12 Id.

13 National Research Council, "Pesticides in the Diet. of Infants and Children." *Nat'l Academy Press*, 1993; see also, http://www.ipen.org/pops_platform.htm#background .

Basel Convention and Ban Amendment

9. Many toxic waste producers from industrialized countries, in order to reduce the costs of proper waste management domestically, export waste to developing countries where regulation is more lenient.14 The 1989 Basel Convention on the Control of the Transboundary Movement of Hazardous Wastes and Their Disposal (Convention) addresses this issue.15 The 1995 Ban Amendment bans the export of waste from developed countries to developing countries.16 However, some countries, such as the United States,17 ratified only the Convention without the Ban Amendment.18 This allows the U.S. to continue exporting hazardous substances even though they are banned in the U.S.19

10. In 1988, a cargo ship from Pennsylvania allegedly dumped 4,000 tons of hazardous incinerator ash on a beach in the Haitian port city of Gonaive.20 In handling the waste, workers died and some reported skin lesions and eyesight problems.21 After pressure from U.S. environmentalists and a Haitian environmental group (COHPEDA), the waste was shipped back to the U.S. in 2000 and remains on a barge in a Florida port.22 Although the waste was returned, disposal plans are unknown. A tracking system is necessary to follow waste once it is sent back to the exporting country.

11. Another example in August 2001 involved a Taiwan company (THB) that exported hazardous industrial waste to China.23 THB is a licensed waste handler but not a licensed waste exporter.24 Containers with hazardous waste were mislabeled "residue of copper compounds" to minimize likelihood of inspectors discovering the containers' contents.25 Also, investigation of THB's only waste storage site revealed half of their supposed recorded waste missing.26 The belief is that waste is illegally exported or dumped secretly within Taiwan.27 The need for a more stringent resolution is evident. It is

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14 Green Groups Call on USA to Ratify International Toxic Waste Dumping Ban as Part of Basel Treaty, (visited October 1, 2001) <http://www.ban.org/ban_news/green_groups_call.html>. [hereinafter Green Groups]
15 Id.
16 Id.
17 In August 2001
18 Ratification of Basel Accord without Ban on Exports Opposed by Environment Coalition, (visited October 1, 2001) <http://www.ban.org/ban_news/ratification.html>.
19Bush Expected to Ignore Hazardous Waste Pact, (visited October 1, 2001) <http://www.ban.org/ban_news/ush.html> [hereinafter Bush].
20 Id.
21 Id.
22 Id.
23 Firm "Mishandled" Hazardous Waste, (visited October 1, 2001) <http://www.ban.org/ban_news/firm_mishandled.html> [hereinafter Mishandled]
24 Mishandled, *supra* note 15.
25 Id.
26 Id.
27 Id.

imperative to promote ratification of the Ban Amendment for all countries. Also, a system is necessary to track waste to ensure safe disposal.

Pollutant Release and Transfer Registers (PRTRs)

12. The tracking of toxic chemicals and wastes is critical to preventing human rights abuses. Programs called Pollutant Release and Transfer Registers ("PRTRs") were created by the Organization for Economic Cooperation and Development (OECD).28 PRTRs now operate in Japan, Canada, Mexico, Australia, Norway, U.S., and U.K.29 Those databases, containing inventories of harmful releases to the air, water, and soil as well as wastes transferred off site for treatment and disposal, are needed in many more countries.30 Essentially, PRTRs require reports on the amount and site of specific chemicals released.31 PRTR systems are advantageous because availability of such data enables governments to design and implement efficient pollution prevention and control mechanisms.32

Shipbreaking

13. Shipbreaking releases harmful substances such as dioxin, sulfur, mercury, lead, and petroleum.33 Shipbreaking occurs in unsound environmental conditions and unsophisticated technologies are resulting in sickness among workers. Since shipbreaking poses health risks, developed countries export ships to developing countries, avoiding health and environmental dangers.

14. India has been one of the countries hardest hit by the safety hazards of shipbreaking. India currently breaks 42% of ships that are dismantled annually. Other shipbreakers are Bangladesh at 7%, Pakistan at 6%, and China at 4%.34

15. Shipbreaking in Alang, India has filled the soil and water with dangerously high levels of toxic waste.35 The dangers pose a direct threat to the rights to life and health. It is necessary to provide technology for safer shipbreaking and to specify the means of disposal.

16. A recent U.S. administrative decision offers vessels to shipbreakers free of charge with a $200/tonne subsidy.36 The plan allows scrapping of six vessels annually with an increase

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28 OECD's Work on Pollutant Release and Transfer Registers (PRTRs), (visited October 15,2001) <http://www1.oecd.org/ehs/prtr/>.
29 International TRI, (visited October 15, 2001) <http://www.epa.gov/tri/prtrs.htm>.
30 Id.
31 Id
32 Id.
33 *International Experts Work Toward "Greener" Ship Scrapping Rules*, SOLID WASTE REPORT, July 12, 2001. [hereinafter Waste Report]
34 Waste Report, *supra* note 26.
35 Shantanu Guha Ray, *Junkyard Scrapped: Alang Shipbreakers Look Westwards as Orders Stop Coming*, OUTLOOK INDIA.COM (visited October 1, 2001) <http://www.ban.org/ban_news/junkyard.html>.
36 Id.

in the number and subsidy budgets annually.37 The plan requires breaking ships in Brownsville, Texas using domestic labor or persons with work permits from neighboring countries.38 Concerns abound that there will be insufficient training and unsafe working conditions, thereby continuing the dangers resulting from shipbreaking.39 Additionally, tracking is necessary because it is unclear where the scraps of broken ships will be dumped.

Recommendations

17. HRA continues to support the work of the Special Rapporteur and in particular, requests the Commission to ask her to:

    - Consider the effects of the use of toxics on human rights, such as effects of aerial spraying, and ensure proper training and equipment for handlers of toxics; and
    - Address the issue of tracking systems for toxics.

18. HRA requests that the Commission encourage governments:
    - To ban the export of toxics that are banned domestically;
    - To ratify the Basel Convention and Ban Amendment; and
    - To create PRTR systems.

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37 Id.
38 Id.
39 Id.